

# Artikel Syukri Iska 01

*by Syukri21 Iska21*

---

**Submission date:** 03-Jan-2023 03:06PM (UTC+0700)

**Submission ID:** 1988154967

**File name:** 5647-16041-1-PB\_2.pdf (452.78K)

**Word count:** 6406

**Character count:** 32542

2

## Implications of the *Pagang Gadai* Contract on Disharmony Social Actors in Minangkabau Community

Syukri Iska<sup>1</sup>, David<sup>2</sup>, Elsy Renie<sup>3</sup>, Ifelda Nengsih<sup>4</sup>

<sup>1</sup>Institut Agama Islam Negeri Batusangkar, Indonesia  
e-mail: syukri.iska@iainbatusangkar.ac.id

<sup>2</sup>Institut Agama Islam Negeri Batusangkar, Indonesia  
e-mail: david@iainbatusangkar.ac.id

<sup>3</sup>Institut Agama Islam Negeri Batusangkar, Indonesia  
e-mail: elsyrenie@iainbatusangkar.ac.id

<sup>4</sup>Institut Agama Islam Negeri Batusangkar, Indonesia  
e-mail: ifeldanengsih@iainbatusangkar.ac.id

9

Received: 04-03-2022

Revised: 04-04-2022

Accepted: 14-04-2022

13

**Abstract:** *This study aims to explore the implementation of the pagang gadai contract and identify its impact on the social disharmony of actors in the Minangkabau community. The category of this research is ethnography, with data collection techniques through in-depth interviews with 13 people as resource persons who were determined based on purposive sampling and snowball sampling, located in 5 Nagari in Tanah Datar Regency, as a representation of the Nagari of origin of the Minangkabau people. The results of the study found that the implementation of pagang gadai as a form of part of debt and receivable transactions has many variants in processing and utilizing the results of the object of pawning land. Some are managed by the pawnbroker (the debtor) with some of the proceeds destined for the pawnbroker (the debtor), in addition, some are managed by the pawnbroker with the proceeds of the object being fully under his control. As for the impact on social relations, there has been disharmony, both internal to the pawnbroker and between the pawnbroker and the pawnbroker, which is caused by inconsistencies in the implementation of customary norms and rules, unequal paradigms in following up on awareness of mistakes in the implementation of pawning so far, and also because authoritarian leadership pattern on "mamak" as tribal head.*

**Abstrak:** Penelitian ini bertujuan untuk menggali implementasi akad pagang gadai dan mengidentifikasi dampaknya terhadap disharmoni sosial para pelaku dalam masyarakat Minangkabau. Kategori penelitian ini adalah etnografi, dengan teknik pengumpulan data melalui wawancara mendalam dengan 13 orang sebagai narasumber yang berlokasi di 5 Nagari di Kabupaten Tanah Datar, sebagai representasi dari nagari asal usul orang Minangkabau. Hasil penelitian menemukan bahwa pelaksanaan pagang gadai sebagai bagian dari transaksi utang piutang, memiliki banyak varian dalam mengolah dan memanfaatkan hasil dari objek tanah gadai. Ada yang dikelola oleh pegadaian (debitur) dengan sebagian hasilnya diperuntukkan bagi pegadaian (debitur). Selain itu, ada pula yang dikelola oleh pegadaian dengan hasil benda itu sepenuhnya dikuasainya. Adapun dampak terhadap hubungan sosial, telah terjadi disharmonisasi, baik internal pegadaian maupun antara pegadaian dengan pegadaian, yang disebabkan oleh inkonsistensi dalam pelaksanaan norma dan aturan adat, paradigma yang tidak setara dalam menindaklanjuti kesadaran akan kesalahan dalam pelaksanaan gadai selama ini, juga karena pola kepemimpinan otoriter pada mamak sebagai kepala suku.

**Keywords:** *Contract; Pagang Gadai; Minangkabau; Social Disharmony.*

### INTRODUCTION

*P*agang gadai as one of the economic instruments that applies to the

Minangkabau tribal community, is not limited to fulfilling economic demands and pressures that have an impact on social

harmonization, but also has an influence on the disharmony of fellow perpetrators.

Whereas the Minangkabau community, which has been known so far as a tribal community that is very strong in upholding traditional values based on Islamic teachings, with its customary philosophy of *Adat Basandi Syara', Syara' Basandi Kitabullah* (Custom is based on Shara'-Shara' is based on Alquran) activities in various activities of life, including in this case economic problems. Initially, there was an alleged conflict between the *Syara'* problem and *adat* which had implications for disharmony, in the issue of inheritance, which was widely studied (Nurcahyono & Astutik, 2018). It turns out that after being studied and researched, it actually strengthens the harmonization between the two foundations of values and rules (Tono et al., 2019). It is like a strong assumption that the issue of *pagang gadai* should not invite the emergence of social disharmony, because it has the same basis of customary norms.

As an economic instrument, in *pagang gadai* it is intended that there are parties who need funds for the fulfillment of goods and services of tribal members, by way of owing to parties who have funds (usually in the form of gold), provided that the party who owes this must give his valuables (usually productive land) to the party who has the funds, as collateral. As long as the debt has not been paid, as long as the guarantee is managed and/or enjoyed by the owner of the money. Such conditions, many have experienced for decades, because of the inability of the debtor to redeem the object of the guarantee, due to the increasing price of gold, continuously (Hasnaini, 2015; Amir, 2015; Ibrahim, 2012; Parwata & Nurmawati, 2019).

Minangkabau, known as a form of tribal matrilineal (mother line kinship system). This indigenous community has

placed tribal assets under the control of female descendants, without neglecting the role of brothers (who are referred to as *mamak* as tribal heads) (David & Ploeger, 2010); (Mahyuddin, 2009). This means that in the context of pawning rules, the woman cannot use the tribal assets as collateral in debt and credit transactions, without the knowledge and approval of "mamak". Just as "mamak" cannot freely do the same thing without the knowledge of his sister, as the authority holder. This tradition is still maintained by the Minangkabau people in general, for the benefit of the future children and nephews in the tribe (Nuriz et al., 2017).

Even in the customary rules regarding the treatment of tribal assets called *ulayat* land (Alting, 2010), basically it cannot be used as an object of pawning (collateral in debt) and sold (Perda Sumbar No. 16 Tahun 2008 Tentang Tanah Ulayat, 2008), except in 4 cases: wedding expenses, funeral arrangements, repairs to traditional houses, and or fees for inauguration of customary titles (Citrawan, 2021); (Hamka, 1984). All of this is only for the benefit of the tribe, not the individual members of the tribe.

However, in the last few decades, various problems have arisen. Among other things, the object of pawning is not only in debt and receivables in the context of fulfilling tribal needs limited to the 4 things mentioned above, but also for fulfilling individual and consumptive needs. As well as other problems, namely those related to disputes whose resolution is handled by the judiciary, which should be sufficiently resolved by customary stakeholders (Fatmi, 2018). Even in the settlement, it was also found that the legal reference was unclear, between customary law, Islamic law, and national law (Nurdin & Tegnan, 2019); (Farani et al., 2018). So, from the results of other studies, it was found that there was a conflict between national law and

Minangkabau customary law, which eventually became a problem for the Majelis Hakim in resolving disputes in court (Amriwan et al., 2020).

Another influence in the implementation of *pagang gadai*, as in this study, which can distinguish it from other studies is the emergence of disharmony between pawnbrokers or internal tribes involved in the *pagang gadai*. As a result, the implementation of pawning has been carried out no longer in accordance with Minangkabau customary rules and values, namely, pawning is included in a social contract (*tabarru'*) with the spirit of helping (Al-zuhaili, 2006), and must comply with Islamic sharia lines. as the basis of the customary philosophy of "*Syara' Basandikan Adat-Syara' Basandikan Kitabullah*", such as not being allowed to take advantage of the results of the object of pawn by the debtor, because it is usury which is forbidden in Islam (Al-Yamani, 1700) Also, the tribal assets may not be used as objects of collateral for debts made by the tribal chief (mamak) to fulfill the life needs of his wife and children.

The social disharmony, namely the misalignment of the relationship between the pawnbroker and the recipient of the pawn and the internal tribal family, such as between tribal members and tribal heads who have pawned tribal assets for non-tribal interests so that the tribal head individual responsibility towards his tribal community is not working (Hughes & Batten, 2016), or because of a motive partial and individual economic interests, eventually formed into physical and psychological conflicts.

In his writings, (Darwis, 2013) argues that disharmony occurs, among others, due to the emergence of inconsistencies in social motives and actions based on legal standards and measures, and the norms that surround them. That is, if the implementation of social interaction is not in

accordance with the measurement, there will be potential for disharmony and social conflict to occur. This is also in line with (Nugroho et al., 2019) research's (2019), that horizontal conflicts in social life have created a crisis of national integration and social disharmony.

This is what is interesting to explore further the impact of *pagang gadai* on the social disharmony of pawnbrokers as outlined in this paper.

## RESEARCH METHODS

This type of research is field research in the ethnographic category. (Creswell, 2015) has divided this ethnographic research in the form of realistic ethnography and critical ethnography. In this study, it is more in the form of a realistic ethnography, which is to explore in depth about the social phenomena of pawnbrokers. The research was conducted in Nagari Cubadak, Tabek, Lintau, Tanjung Barulak and Saruaso, as a representation of Nagari in Tanah Datar Luhak Nan Tuo Regency, as the forerunner of the birth of the Minangkabau region. The data were obtained by using in-depth interviews and observation of the social interactions of pawnbrokers. The analysis technique through the process and stages of the Miles and Huberman interactive model, as stated by (Sugiyono, 2012), starts from data collection, data reduction, data display, and conclusion, with a qualitative approach. The primary data sources based on purposive sampling are the pawnbrokers and their tribal relatives. Meanwhile, those used as secondary data sources are community leaders, both ulama and traditional leaders, as well as other community members. The total number of resource persons is 13 people,

the method of determining the sample is by using the snowball sampling Technique. (Atkinson, P., Hammersley, M., Denzin, N. K., & Lincoln, 2009)

## RESULTS AND DISCUSSION

### A. Results

#### Implementation of *pagang gadai* as a Social-Based Economic Transaction

The consequence of the Minangkabau indigenous people having the customary philosophy of "adat Basandi Syara'-Syara' Basandi Kitabullah", has placed Islamic Sharia as the philosophical basis for traditional life. This means that none of the concepts and provisions of Minangkabau customs are contrary to Islamic Sharia.

In Islamic Sharia (*Shara'*), pawn (*rahn*) is a derivative form of debt and receivable transactions that have been placed as part of social transactions (*tabarru'*) (Al-zuhaili, 2006). That is, the provisions for debt and receivable transactions are only limited to collecting money without any compensation, both taking the excess of the value of the debt and taking benefits as a result of the transaction to collect money, there is no commercialization element, there is no profit oriented, and is only limited to the realization of help alone.

The implementation of *pagang gadai* as a socially based economic transaction, it appears that there are several forms, as a result of the diversity of understanding of the actors, about the concept of pawning in the customs with the ABS-SBK philosophy. The form of understanding that *pagang gadai* is socially based in the form of help can be traced:

**Case I:** as in the interview (on September 15, 2021) with PJS (pawn holder/creditor):

*"I want to cultivate the fields or fields (receive a pawn for borrowing money/gold)*

*because it is based on the spirit of helping. There are people who find it difficult because they want to randomize baban barek (face a heavy burden), both for meeting their tribal needs and their individual needs, and needing large amounts of money, eventually pawning their fields. In such a condition, I don't have the heart to refuse it, if the relationship with the person who wants to pawn it is rejected, it usually tends to be "ndak ba kaelokan jo crew lai" (the relationship is damaged), even to the point of not greeting."*

However, the form of cultivation and the results of the harvest, some of which the object of the pawn is processed by the land owner (the pawner/debtor), while the proceeds are divided in part to the pawn holder (the creditor). As explained by PJS (pawn holder),

*"The pagang gadai system is applied, the cultivator is the person who owns the land (the pawnbroker). The management was handed over to the owner of the land based on my own request as the recipient of the pawn (the creditor), and there was the request of the pawner (the debtor). My own request, due to the desire that the landowner also get the results of the mortgaged goods. Meanwhile, if the request from the person who owns the land is caused by the landowner being afraid that people will know (embarrassed) that the fields have been pawned. He feels that all this time he is seen as a person who has (rich). At that time, he was experiencing financial difficulties. That method usually comes with a pawn certificate that I can hold on to."*

PJS explains further:

*"The results of the object of the mortgage are shared between the manager (the pawnbroker) and me as the recipient of the pawn, based on an agreement. This land sharing is carried out after the costs have been incurred in advance. For example, if the yield of rice fields (harvests) is 20 ketiding, after all costs have been incurred; buy fertilizer, wage wages, and so on, so that the net result is 15 ketiding. The portion of the distribution, for the landowner (the pawnbroker/cultivator) is 8 ketiding and 7*

*ketiding for me as the recipient of the pawn (the creditor), which is called the "tray". The landowner gets 8 seats because he is the one who manages the land as well as the land owner. Meanwhile I got the 7 ketiding as a thank you for lending him money. This method has been a tradition among the people from the past."*

**Case II:** Another condition experienced by PJS, behind the desire to help people who are in need of money, is the imbalance between the income from the harvest that is intended for him and the amount of receivables he gives to the pawner, despite the debt transactions and "pagang pagang" this has been going on since 1992 ( $\pm 30$  years). As the results of the interview:

*"The total debt is 92 gold (writer: 230 grams x Rp. 1.900.000,-=Rp. 437.000.000,-). Meanwhile, the average rice yield is 40 ketiding/year ( $\pm$  Rp. 165.000,- x 40 = Rp. 6.600.000,-). So that if you add up until 2021, the harvest will only be 29 x Rp. 6.600.000,- = Rp. 191.400.000,-. As a result, the pawnbroker does not want to redeem and pay his debts, even though he is classified as an economically capable person. Because it is suspected that the calculation of capital is not profitable for him to pay off immediately compared to the income he will enjoy from the harvest."*

**Case III:** It is different from the form of *pagang gadai* which is based on the principle of help, in Er's understanding, as explained (interview on October 20, 2021):

*"My family, as pawn recipients, have been cultivating the fields for the pawn object for decades until now, as a result of the existence of assistance in the form of providing gold loans to land owners who are pressed for economic needs and making their fields as collateral (pawning). The harvest is entirely for my family as cultivators. Such methods have been prevalent in society since ancient times."*

**Case IV:** It was as experienced by Er that the assistance was in the form of collecting money/gold when the land owner needed it, but the object was fully worked on

and enjoyed by the debtor, strengthened by PJC (community leaders) based on an interview on 20 October 2021:

*"There used to be a husband and wife who owned 5 fields of fields. One time this husband and wife experienced financial difficulties, and finally all the rice fields they owned were pawned, with the term *salang/borrow* (another name for *pagang gadai*). The owner of this rice field does not own any other fields other than the 5 *lupak*, while the rice fields are fully managed by the holder of the pawn, and all the proceeds from the field also belong to the holder of the pawn. In terms of the source of life for the two of them so far, most of them come from the land. This process has been going on for years, even until the husband and wife died, and the family still cannot manage and enjoy the results, because the debt has not been paid, and the rice fields are still managed by the pawnbroker."*

**Case V:** If what applies to the KP and the family as pawnbrokers, it is found that there is a combination of follow-up assistance in the form of money/gold loans; there is land as the object of the pawn that is worked on by the recipient of the pawn (the creditor), and there is also a form that is cultivated by them as a pawn. As KP admits:

*"If the rice fields are managed by the pawnbroker, the proceeds are entirely the property of the pawnbroker. My tribal family and I do not feel sorry and sad that the results of the rice fields belong to the holder, because in the past we were helped by the person in charge of lending money, when we needed it. I don't even want to take back the rice fields before our debt is paid off, unless the person concerned gives it up voluntarily, or there are rules like that."*

The second *pagang gadai* process by the KP and his family:

*"By the way, we manage the fields/fields of the pawn object completely with the permission of the pawn holder, of course, and part of the proceeds are given to him, which is called "Baki Sawah". Delivery of this balance is subject to initial agreement; usually the profit sharing for*

*the landowner is of the results of the field. If the distribution is, the holder of the pawn in addition to not participating in the management also does not participate in the financing of the fields, but every year (the year of harvest) they still receive a balance of of the results of the fields."* (Interview, 09-23-2021)

**Case VI:** Another, more ironic form, as stated by KATJB (customary leader) based on an interview on October 21, 2021:

*"Many payments of this balance still occur even though the rice fields are not harvested. If the rice fields are not harvested and the balance cannot be paid, the remaining balance will become the debt of the landowner. As a result, there can be two possibilities; first, the landowner finds other funds to pay for the remaining balance. Second, if you are unable to find it from others, it will eventually be used as additional debt. If there are several crop failures, be it the water factor (because the water is rain-fed in this area), or the pest factor (such as rats), there will be a buildup of debt. Debt in the form of pending balance payments can also be added to debt that is combined with the previous pawning debt. In conditions like this, it becomes increasingly difficult to repay the debt and return the object of the pawn because the debt continues to grow."*

**Case VII:** On the other hand, there are also pawnbrokers who return the land object of the pawn to the pawnbroker, without the debt being paid. This, as further explained by KATJB:

*"There are also the pawnbrokers who return the mortgaged goods completely to the pawner/land owner. However, the pawnbroker objected because he had not been able to pay his debts. However, the recipient of the pawn said, please "bueklah sawah ko baliak" (please cultivate this rice field again) without having to pay a ransom. Because based on the calculations of the pawnbroker, the results he got from the pawned rice fields were able to pay off his debt."*

## Implications of *pagang gadai* on Social Disharmony

The definition of financing, according to Faturrahman Djamil, based on article 1 point 2 of Law Number 10 of 1998 in conjunction with Law Number 7 of 1992 concerning Banking, is the provision of money or equivalent claims based on an agreement or agreement between the bank and other parties which requires the parties to which is financed to return the money or bills after a certain period in exchange for profit sharing (Riyaldi & Choirunnisak, 2021, p. 42).

The implementation of *pagang gadai* in Minangkabau has not only resulted in the emergence of good relations (harmony) due to the completion of the urgent need for money and added value for the owner of money, but also has implications for disharmony in social relations. Among the findings of the data and facts of disharmony are:

### 1. Disharmonious internal tribal

Case I: What was conveyed by KALBJ, as a traditional leader (Chairman of KAN) on October 21, 2021: This form of internal tribal disharmony occurred in the case of a "mamak" (Tribal Head) who pawned tribal assets without the knowledge of "kamanakan" (tribal members)

Case II: What happened to KP, based on his narrative: When I was a teenager, our "mamak" had pawned the people's property (ulayat land) for his personal interests, and not based on consultation with tribal members. At that time, I protested, but was not heeded, because of the dictatorial authority in the hands of the "mamak". Since then, the relationship between us tribal members and him, became disharmonious, until he died.

Case III: What happened to KATJB, as a tribal member, said: "Our mother likes to provide tribal rice fields for personal

expenses, such as hunting for pigs (pen: the community tradition of hunting pigs with dogs, the cost of keeping dogs and hunting operations is not small). The mamak's behavior was without the knowledge of our tribal members. We only found out after there was a submission from the debtor (the pawn recipient). We convey this to Mamak as a form of protest. But Mamak's response made the atmosphere even worse. He was angry, and we also did not want to accept the behavior of the pawn, so there was almost a physical conflict. Because the object of the pawn has been the source of the economic life of the tribal members. But we were helpless, until he died. Now we are having difficulty redeeming the pledge, because the value of the debt continues to swell, due to the debt instrument in the form of gold, the price of which is always increasing." (Interview on 27 October 2021)

## 2. Tribal external disharmony:

**Case I:** This form of disharmony is also seen in the reluctance of the pawner to pay his debt, even though he is classified as an economically capable person, because the production value of the object of the pawn is much smaller than the value of the debt owed to the recipient of the pawn. As experienced by PJS, as the case above. This has had an impact on the disharmony of the relationship between the two of them. PJS said in the interview:

*"I don't have the power to force my gold back, which has been owed for decades. Because there is no agreement on the maximum return period. Despite that, I still take advantage of the object of the pawn and enjoy the results. However, I felt uncomfortable after knowing that this method of using the object of pawning was not allowed in Islam, as many preachers at the mosque have pointed out."*

**Case II:** The value of the rupiah currency is much different when the debt and pawn transactions occur first, when the

debtor wants to pay the debt and return the object of the pawn. As the problems faced by YND, as he confessed in an interview on October 6, 2021:

*"I want to redeem the rice fields that were pawned by his grandmother, an amount of debt amounting to Rp. 500,- (pen: not in gold), as stated in the pawn broker's letter. However, the person concerned is not willing to accept the amount of debt, because it is no longer in accordance with the current rupiah value. So the matter goes to court. In the end, the atmosphere and relationship between us became not as harmonious as it used to be."*

**Case III:** a pawn incident carried out with a layered system. This means that in the same object, the owner has mortgaged it to more than one person, because of the need for money in the form of debt. Like the case stated by GS:

*"My grandson received a pawn object, because the gold was borrowed by the FI. In the agreement the object of the pawn is still processed by the FI as the owner, and the proceeds are divided among our family (pen: called the tray). However, the delivery of the trays is not smoothly delivered at each harvest. After studying it, it turned out that FI had also mortgaged the same object to another person, as a result he also owed that other person. So, things can't be resolved until now. Although the matter has been handled by the Police as a law enforcement officer. This is the protracted conflict between us."*

## B. Discussion

In the era of modern financial transactions that are increasingly complex, a contract design is needed in the form of a combination of several contracts called a hybrid contract (multi-contract), or commonly called *al-ukud al-murakkabah*. The form of a single contract can no longer respond to contemporary financial transactions. Combination contracts nowadays are a necessity, single contracts

are no longer able to respond to contemporary financial cases and problems. Therefore, Islamic banking must improve the quality of Human Resources (HR) by carrying out intensive training and workshops on product innovation (Mas'ud, 2020, pp. 83-84).

From several cases of *pagang gadai* that have an impact on the disharmony of social relations, it can be seen that it is caused by several forms that can be analyzed in various perspectives.

Among them, it can be analyzed that the reality of the *pagang gadai* that has been in effect so far, has been widely understood by the perpetrators that it is not in line with the principles of its customary philosophy that is based on Islamic sharia. Because the taking of the benefits or proceeds of the object of the pawn by the recipient of the pawn, either as a result of him processing it himself or the giving of a portion of the proceeds (treasure) by the pawnbroker, is already believed to be usury, the result of which arises from debt transactions. as the words of the Prophet Hadith narrated by al-Harith bin Abi Usamah from Ali r.a, quoted from al-Kahlani (Volume 3: 53, t.th):

كل قرض جر منفعة فهو ربا .

It means: "Taking benefit (profit) on every debt transaction, then it is classified as usury."

From this understanding, it results in unrest and a desire for the end of the *pagang gadai* system to end. However, because of the dominating economic impulse; As a result, the gold owed must be returned when the distribution proceeds obtained by the holder of the pawn from the proceeds of the object of the pawn have not been balanced with the value of the debt. Or the economic value is

not balanced between the amount of debt compared to the income value of the object of the pawn, causing the reluctance of the pawner to immediately pay the debt (redeem the object of the pawn). Until finally causing a protracted disharmony.

The perspective which states that social phenomena as described above are analyzed as the cause of disharmony, which is relevant to the views of (Barth & Noel, 1972), as stated by (Darwis, 2013) that disharmony occurs among others due to the emergence of inconsistencies in social motives and actions based on standards and standards. Legal standards, and norms that surround them. That is, if the implementation of social interaction is not in accordance with the measurement, there will be potential for disharmony and social conflict to occur. The pawnbroker has set aside the customary norms regarding the permissibility of pawning. Islamic Sharia as the basis for customary values has placed that debts and receivables are only categorized as non-profit (social) or non-commercial transactions, with the aim of helping (Ghuryani, al, 2002), because Allah will replace them, as the word of Allah SWT in Surah al-Baqarah verse 245:

من ذا الذي يقرض الله قرضا حسنا فيضاعفه له اضعافا كثيرة....

Meaning: "Whoever lends to Allah in the form of a good loan, then Allah will return it multiplied and for him a noble reward."

In addition, the status of the object of the pledge is only as collateral in the debt transaction. As stated by Allah in al-Baqarah verse 283:

وان كنتم على سفر ولم تجدوا كاتباً فرهان مقبوضة.

Meaning: "If you do not find a writer, then let there be collateral to be held (as collateral)."

As the practice of the Prophet Muhammad narrated by al-Bukhari from 'Aisha r.a:

ان النبي صم اشترى من يهودى طعاما الى اجل ورهنه  
درعه .

Meaning: "That the Prophet PBUH once bought food from the Jews in a tough way and he pawned his armor."

For this reason, it does not have to be managed by the pawnbroker, if it is in the form of a productive object, and the results cannot be enjoyed, as the words of the Prophet Muhammad above, narrated by al-Harith bin Abi Usamah from 'Ali bin Talib.

Disobedience to customary provisions that make Islamic sharia a reference is the cause of the perpetuation of this disharmony.

In another perspective, (Hae et al., 2000) suggests that conflict or disharmony can arise due to social status, power and scarce resources (pen: poverty and ignorance). This can be seen from the facts of this study that the power that exists in the mamak (tribal head) can treat himself by mortgaging tribal land according to his will, without any power for the clan's family to prevent it. Despite causing disharmony between them.

Parson's view, as stated by (Darwis, 2013) that in a homogeneous society, different views of life may occur, which are influenced by characteristics, values, and perspectives (writer: *paradigm*) or lifestyle, potentially causing disintegration or disharmony. In the case of *payang gadaí* in Minangkabau, it can be seen that there are differences of opinion, regarding the value of debt as a social and economic motive. Even when there is an awareness of the value to end this form of usury on the one hand, it is not supported by the views of other parties and also the

surrounding environment, who still feel that they are in their comfort zone and continue to stick with the traditions that have existed since the past, even though some of them already know and are aware of it. that it is not in accordance with Islamic sharia. Even though many of the pawners have understood the mistake, as stated by BN, HL, SL, and HI, as community leaders. (interview, 23 September 2021), which was strengthened by Dt. S (Chairman of KAN from one of the Nagari) who was interviewed on October 21, 2021. However, because it was not in the form of a thorough awareness, the false tradition was still confirmed. For those who realize it's wrong, but can't act unilaterally, according to P (former Wali Nagari/community leader), it creates discomfort. This is also the cause of the disharmony is formed continuously. (Interview October 21, 2021)

## CONCLUSION

From the existing data and facts, it was found that the tradition of *payang gadaí* transactions in Minangkabau had implications for social disharmony, both within the tribe, as well as between pawners and pawnbrokers.

This is due to the inconsistency of motives and social actions in placing the "pawn" transaction as part of the debt transaction, which has been regulated in such a way by Islamic sharia, as a reference in the provisions and values of Minangkabau customs. In addition, it is also influenced by the leadership pattern of the tribal chief who tends to be authoritarian, so that he behaves according to his own will, and puts the interests of the tribal community aside. This disharmony is also formed because of the unequal views among pawnbrokers,

when some have realized that the tradition is no longer appropriate based on the principles outlined by custom, while others do not pay attention to it, making it difficult to find a common ground in resolving the *pagang gadai*.

This research can contribute to, not only scientific development in the field of culturally based Islamic economic transactions. But it can also be used as a study material for the actualization of the philosophy of life of the Minangkabau people, which is based on "Adat Basandi Syara', Syara' Basandi Kitabullah", contextually based.

This research is only limited to providing an objective picture of the research subject, which does not rule out the possibility of behavioral differences at certain points in other Minangkabau customary areas.

## REFERENCES

- Al-Yamani, A.-I. M. bin I. al-kahlani as-S. (1700). *Subulus Salam syarh Bulughil Maram min Jam'i Adillatil Ahkam* (Juz 3: 53).
- Al-zuhaili, W. (2006). *al-Fiqh al-Islami wa Adillatuh* (VI). Dar al-Fikr al-Mu'ashir.
- Alting, H. (2010). *Dinamika hukum dalam pengakuan dan perlindungan hak masyarakat hukum adat atas tanah (masa lalu, kini, dan masa mendatang)*. LaksBang Pressindo & Lembaga Penerbitan Universitas Khairun Ternate.
- Amir, R. (2015). Gadai Tanah Perspektif Ekonomi Islam. *Muamalah, Gadai Perspektif Ekonomi Islam Yang*, V(1), 81-90.
- Amriwan, A., Warman, K., & Andora, H. (2020). Settlement of Land Pawn Disputes Through Courts in West Sumatra. *International Journal of Multicultural and Multireligious Understanding*, 7(4), 435-443.
- Atkinson, P., Hammersley, M., Denzin, N. K., & Lincoln, Y. S. (2009). *Handbook of Qualitative Research*. Pustaka Pelajar.
- Barth, E. A. T., & Noel, D. L. (1972). Conceptual Framework for Analysis of Race Relation: An Evaluation. *Social Forces*, 50(3), 333-348. <https://doi.org/10.2307/2577037>
- Citrawan, F. A. (2021). Konsep Kepemilikan Tanah Ulayat Masyarakat Adat Minangkabau. *Jurnal Hukum & Pembangunan*, 50(3), 586-602. <https://doi.org/10.21143/jhp.vol50.n03.2583>
- Creswell, J. W. (2015). *Penelitian Kualitatif & Desain Riset*. Pustaka Pelajar.
- Darwis, H. M. (2013). Harmoni dan Disharmoni Sosial Etnis di Perkotaan. *SOCIUS: Jurnal Sosiologi*, 14, 9-40.
- David, W., & Ploeger, A. (2010). Role of Matrilineal System, Gender and Education in Traditional Farming Systems and Food Culture in West Sumatra Indonesia. *Conference: 17th IFOAM Organic World Congress*, 1-4.
- Farani, R., Rodliyah, N., & Nargis, N. (2018). Akibat Hukum Gadai Syariah dalam Sistem Ekonomi Islam: (Studi pada Pegadaian Syariah Cabang Raden Intan). *Pactum Law Journal*, 2(1), 480-490.
- Fatmi, S. R. (2018). Permohonan Tanah Ulayat di Minangkabau Menjadi Tanah Hak Milik. *Lentera Hukum*, 5(3), 392. <https://doi.org/10.19184/ejllh.v5i3.8291>
- Ghuryani, al., al-S. 'Abd R. (2002). *Ahkam al-Mu'amalat al-Maliyah fi al-Fiqh al-Islamy*. al-Jami'ah al-Maftuhah.
- Hae, N. Z., Marpaung, R., Setiawan, H., & Suranto, H. (2000). *Konflik multikultur:*

- panduan meliput bagi jurnalis*. Lembaga Studi Pers dan Pembangunan (LSPP).
- Hamka. (1984). *Islam dan Adat Minangkabau*. Pustaka Panjimas.
- Hasnaini. (2015). Tradisi Lokal Pagang Gadai Masyarakat Minangkabau dalam Perspektif Hukum Islam. *Islam Realitas: Journal of Islamic and Social Studies*, 1(1), 69–81. [https://doi.org/10.30983/islam\\_realitas.v1i1.6](https://doi.org/10.30983/islam_realitas.v1i1.6)
- Hughes, K. J., & Batten, L. (2016). the Development of Social and Moral Responsibility in Terms of Respect for the Rights of Others. *Jurnal Ilmiah Peuradeun*, 4(2), 147. <https://doi.org/10.26811/peuradeun.v4i2.93>
- Ibrahim, A. (2012). Gala Dan Rahn: Analisis Korelasi Dari Perspektif Ekonomi Islam. *Share: Jurnal Ekonomi Dan Keuangan Islam*, 1(1). <https://doi.org/10.22373/share.v1i1.716>
- Mahyuddin, S. (2009). *Minangkabau Customary Law System Dynamics in the Supreme Court Jurisprudence*. PT. Candi Cipta Paramuda.
- Mas'ud, M. F. (2020). Analisis Hybrid Contract pada Take Over Pembiayaan Hunian Syariah dari Bank Konvensional ke Bank Syariah dalam Perspektif Hukum Ekonomi Islam. *AKSY: Jurnal Ilmu Akuntansi Dan Bisnis Syariah*, 2(1), 81–89. <https://doi.org/10.15575/aksy.v2i1.7863>
- Nugroho, W. T., Indah, D. N., & Naranta, E. H. G. (2019). Upaya Memperteguh Kesatuan Bangsa Melalui Internalisasi Pemahaman Tepo Saliro sebagai Rangka Harmonisasi Hidup Bermasyarakat. *Prosiding Cetak- Peran Pascasarjana Dalam Pengembangan IPTEKS Terkait Pelestarian Kebudayaan Nasional Di Era 4.0*.
- Nurchayono, O. H., & Astutik, D. (2018). Harmonisasi Masyarakat Adat Suku Tengger (Analisis Keberadaan Modal Sosial pada Proses Harmonisasi pada Masyarakat Adat Suku Tengger, Desa Tosari, Pasuruan, Jawa Timur). *Dialektika Masyarakat: Jurnal Sosiolog*, 2(1), 1–12.
- Nurdin, Z., & Tegnan, H. (2019). Legal certainty in the management of agricultural land pawning in the matrilineal Minangkabau society, West Sumatra. *Land*, 8(8). <https://doi.org/10.3390/land8080117>
- Nuriz, U. C., Sukirno, & Ananingsih, S. W. (2017). Penerapan Hukum Adat Minangkabau dalam Pembagian Warisan atas Tanah. *Diponegoro Law Journal*, 6(1), 4–5.
- Parwata, I. P. G., & Nurmawati, M. (2019). Akibat Hukum Perjanjian Gadai yang Dilakukan dengan Jaminan Barang Bergerak Bukan Milik Hak Debitur. *Kartha Wicara: E-Journal Ilmu Hukum*, 8(3), 1–15.
- Riyaldi, R., & Choirunnisak, C. (2021). Pembiayaan Multi Jasa Menggunakan Akad Ijarah Di PT. Bank Pembiayaan Rakyat Syariah (BPRS) Al Falah Banyuasin. *Jimpa*, 1(1), 39–48. <https://doi.org/10.36908/jimpa.v1i1.6>
- Sugiyono. (2012). *Memahami Penelitian Kuantitatif*. Alfabeta.
- Perda Sumbar No. 16 Tahun 2008 tentang tanah ulayat, (2008).
- Tono, S., Syibly, M. R., Mu'allim, A., Nurozi, A., & Purwanto, M. R. (2019). The harmonious relationship between minangkabau custom and Islam in the distribution of inheritance. *Al-Shajarah, Special Issue Sharia hand Law*, 39–55.

# Artikel Syukri Iska 01

## ORIGINALITY REPORT

6%

SIMILARITY INDEX

3%

INTERNET SOURCES

4%

PUBLICATIONS

1%

STUDENT PAPERS

## PRIMARY SOURCES

1	Ilda Hayati, Fathurrahman Djamil, Busman Edyar. "Utilization of Land Pawning Objects in Minangkabau in The Perspective of The Scholars of Schools of Thought", Al-Istinbath : Jurnal Hukum Islam, 2022 Publication	1%
2	Syukri Iska, Hasse Jubba, Epicandra Epicandra, Mirna Yusuf. " The construction of an Islamic capitalism through amongst the Minangkabau people ", Cogent Social Sciences, 2022 Publication	1%
3	Submitted to University of Melbourne Student Paper	1%
4	<a href="http://ejournal.iainkendari.ac.id">ejournal.iainkendari.ac.id</a> Internet Source	1%
5	<a href="http://fkip.unri.ac.id">fkip.unri.ac.id</a> Internet Source	<1%
6	<a href="http://digilib.unisayogya.ac.id">digilib.unisayogya.ac.id</a> Internet Source	<1%
7	<a href="http://fhuk.unand.ac.id">fhuk.unand.ac.id</a>	

<1 %

8

KARIM VESSAL, RICHARD J. MONTALI, STEVEN M. LARSON, VINCENT CHAFFEE, A. EVERETTE JAMES. "EVALUATION OF BARIUM AND GASTROGRAFIN AS CONTRAST MEDIA FOR THE DIAGNOSIS OF ESOPHAGEAL RUPTURES OR PERFORATIONS", American Journal of Roentgenology, 1975

Publication

<1 %

9

Myrto T. Samara, Stephen Z. Levine, Stefan Leucht. "Linkage of Young Mania Rating Scale to Clinical Global Impression Scale to Enhance Utility in Clinical Practice and Research Trials", Pharmacopsychiatry, 2022

Publication

<1 %

10

[etheses.uin-malang.ac.id](https://etheses.uin-malang.ac.id)

Internet Source

<1 %

11

Submitted to Direktorat Pendidikan Tinggi Keagamaan Islam Kementerian Agama

Student Paper

<1 %

12

[digilib.uns.ac.id](https://digilib.uns.ac.id)

Internet Source

<1 %

13

[ojs.uma.ac.id](https://ojs.uma.ac.id)

Internet Source

<1 %

14

[www.quranstudies.ir](http://www.quranstudies.ir)

Internet Source

<1 %

---

15 [academic.oup.com](https://academic.oup.com) <1 %  
Internet Source

---

16 [www.abacademies.org](https://www.abacademies.org) <1 %  
Internet Source

---

17 Priyambodo, Kristian Buditiawan, Agung Budi Irawan, Dendy Setyawan et al. "Mitigation of Social Impacts of Alternative Road Development Plans Based on Local Wisdom in West Sumatra, Indonesia", *The Scientific World Journal*, 2022 <1 %  
Publication

---

18 Udin Supriadi, Usup Romli, Mohammad Rindu Fajar Islamy, Muhamad Parhan, Nurti Budiyaniti. "The Role of Islamic Education Teachers in Preventing Radicalism at Madrasa Aliyah", *Nazhruna: Jurnal Pendidikan Islam*, 2021 <1 %  
Publication

---

19 Lukman Santoso, Agus Triyanta, Jawahir Thontowi. "Halal tourism regulations in Indonesia: trends and dynamics in the digital era", *Ijtihad : Jurnal Wacana Hukum Islam dan Kemanusiaan*, 2022 <1 %  
Publication

---

Exclude quotes On

Exclude matches Off

Exclude bibliography On